

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Richard Angelo McFee,

Case No. 18-cv-3402

Plaintiff,

v.

ORDER

Warden Burkhurst et al,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated March 20, 2019. No objections have been filed to that Report and Recommendation in the time period permitted.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court will ADOPT the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED that

1. This action is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute; and

2. Plaintiff's motions to proceed *in forma pauperis* (Dkt. No. 2) and motion for appointment of counsel (Dkt. No. 4) are **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: April 23, 2019

s/ Michael J. Davis

MICHAEL J. DAVIS

United States District Court